

Exhibit L

Document title: Town of Forestburgh Hit With Federal Civil Rights Lawsuit by Lost Lake Holdings

Capture URL: <https://www.sullivantimes.com/post/town-of-forestburgh-hit-with-federal-civil-rights-lawsuit-by-lost-lake-holdings>

Page loaded at (UTC): Mon, 02 Jan 2023 19:06:52 GMT

Capture timestamp (UTC): Mon, 02 Jan 2023 19:07:11 GMT

Capture tool: 10.9.7

Collection server IP: 44.207.183.122

Browser engine: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/106.0.5249.119 Safari/537.36

Operating system: Windows_NT (Node 16.16.0)

PDF length: 6

Capture ID: pavyztHCB6wEK83Vo9jHnJ

User: sa-pagevault

The Sullivan Times

Covering and uncovering the big stories in Sullivan County

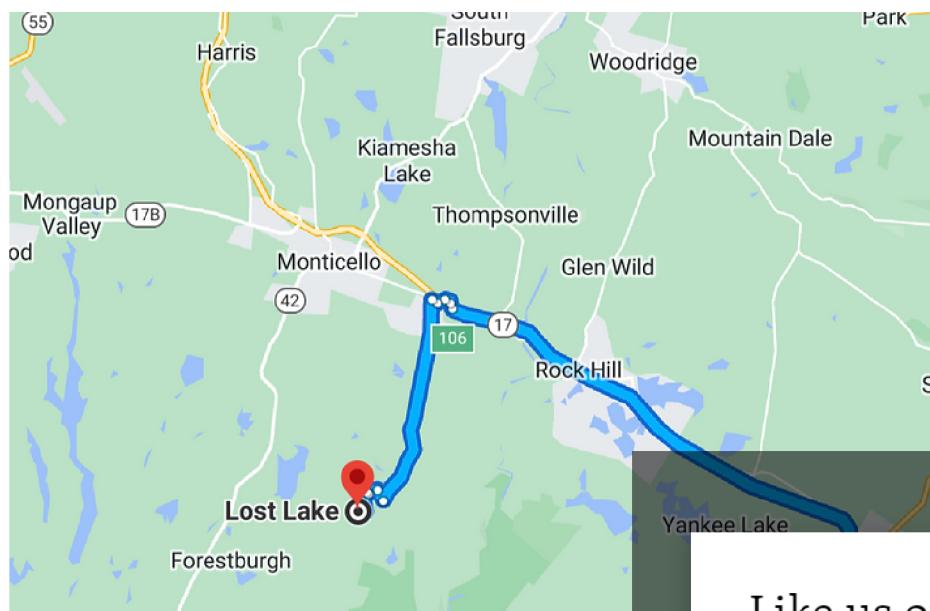
Enter your email

Rich Klein · Dec 19, 2022

Town of Forestburgh Hit With Federal Civil Rights Lawsuit by Lost Lake Holdings

Updated: 4 days ago

Plaintiffs Allege Anti-Semitism Is Behind Town's Blockage Of Housing Development



FORESTBURGH - A federal civil rights lawsuit was filed on Friday by L and Mishconos Mazah LLC that accuses the Town of Forestburgh, its Board of Appeals plus key town officials of anti-Semitism and alleging a pattern and practice of illegal actions to block Orthodox Hasidic Or moving to the Town. "

The suit, filed in the U.S. District Court for the Southern District of New York, claims that the defendants violated the federal Fair Housing Act, the U.S. and New York law when they blocked construction of some 2,600 homes in the Lost Lake development.

Like us on Facebook

It's the best way to stay in touch!



Facebook Like popup by Inffuse



moving to the Town."

Case 7:22-cv-10656-VB Document 87-13 Filed 06/01/23 Page 4 of 7

The suit, filed in the U.S. District Court for the Southern District of New York, alleges that the defendants violated the federal Fair Housing Act, the U.S. and New York Constitutions, and New York law when they blocked construction of some 2,600 homes in the Lost Lake development.

The Town officials named as defendants in the case are Town Supervisor Daniel S. Hogue, Jr., Town Planning Board Chair Richard Robbins, Town Building Inspector Glenn A. Gabbard, and Town Assessor Dennis Ketcham.

"Defendants' actions were motivated by anti-Semitic religious and racial animus from Town officials and pressure from local residents to whom such officials were responsive," the suit alleges. "They feared that Hasidic Orthodox Jews would purchase homes and reside in the Project. This religious and racial animus predated Plaintiffs' purchase of the Project, has continued since, and has impeded the ability of Hasidic Orthodox Jews to move to the Town."



Lost Lake v Forestburgh complaint.pdf

Download PDF • 1.12MB



The SullivanTimes emailed Hogue for comment early Monday.

The federal suit is the latest in a string of lawsuits filed by the company against the Town since 2020. Those cases, which include tax disputes and an Article 78 filing, are pending in State Supreme Court. As of mid-November, the parties were involved in "global" settlement talks, but Steve Barshov, an attorney for the plaintiffs, said today that the parties could not reach an agreement.

HARRIS BEACH
ATTORNEYS AT LAW

677 BROADWAY, SUITE 1101
ALBANY, NEW YORK 12207
518.427.9700

October 18, 2022

VIA NYSCF

Hon. David M. Gandin, J.S.C.
Ulster County Supreme Court
285 Wall Street
Kingston, NY 12401

RE: Re: Lost Lake Holdings LLC, et al. v. Town of Forestburgh, et al., Index No.

Your Honor:

Harris Beach, PLLC represents Respondents Daniel S. Hogue and Town of Forestburgh ("Town") in the referenced proceeding. This letter requests an adjournment of the 2022 conference scheduled under Court Notice dated September 15, 2022 (Doc. No. 87).

Respondents respectfully request that the Court adjourn the upcoming settlement conference pending the November 2, 2022 Court conference and settlement discussions where the parties will attempt to discuss a global settlement of issues related to this and all other proceedings in which Petitioners have commenced.

Thank you for your consideration in this matter.

Respectfully Submitted,

Javid Afzali

Adjournment Request
GRANTED DENIED

Hon. David M. Gandin, J.S.C.
Ulster County Supreme Court
Date: 10/18/2022
cc: Service List via NYSCF

The Court is Conducting

Like us on Facebook

It's the best way to stay in touch!

Facebook Like popup by Inffuse



Adjournment Request
 GRANTED DENIED
 Hon. David M. Gandin, JSC
 Ulster County Supreme Court
 Date: 10/18/2022
 cc: Service List via NYSCER.

Approved by Signature
 Javid Afzali

10/18/22

"SO ORDERED"

 October 18 2022
 Hon. David M. Gandin, J.S.C.

The Court is Conducting
 A Global Settlement
 Conference of All Parties
 Actions/Proceedings. The Court
 is Holding Placing Parties
 in Abeyance ~~at~~ until
 11/2/22. All Parties Since
 Be Present At The 11/2
 Conference David M. Gandin JSC

1 of 1
 1 of 1

According to a news release from two law firms that filed the federal civil rights suit: "Prior to selling Lost Lake to the current Hasidic Orthodox Jewish owners, the Town granted the original non-Jewish developer (Double Diamond of Texas) all the necessary approvals."

The law firms of Storzer & Associates, P.C. and Sive Paget Riesel P.C. said in their news release that, "in 2011, the Town Board rezoned the 3.3 square miles of land owned by Double Diamond, a Texas developer, to authorize 2,557 single-family homes, along with cottages and townhouse-style condominium units, for a total of 2,637 residential units, along with multiple recreational and community amenities. In 2013, the Town Board granted Double Diamond final subdivision and site plan approval for the first phase of the Project, consisting of 400 single-family home lots and the first nine holes of the project's golf course."

Lost Lake LLC purchased the property from Double Diamond in July 2020.

Barshov, co-counsel for the plaintiffs said:

"This developer bought the Lost Lake project because the prior owner had obtained all the approvals needed so building permits could be issued at any time and homes built. The only reason home construction is not occurring is because Town officials have made it crystal clear: Hasidic Orthodox Jewish developers and homeowners are not welcome in Forestburgh."

Eric W. Treene, another attorney for the plaintiffs, added:

"Federal civil rights laws, the Constitution, and New York law all speak the central issue of this case: in America no government may tell people where they are welcome to live and where they are not based on their religion. This is a familiar experience for Orthodox Jews in many New York communities."

The suit seeks an injunction from the federal court requiring the Defendants to treat plaintiffs equally without regard to religion, as well as an award of compensatory damages and attorneys' fees.

In 2014, town officials joined the original developer at a ribbon cutting ceremony to mark permit approvals in 2013 to give Double Diamond a green light to build.

According to a report in the Times Herald-Record at the time, Double Diamond started to

Like us on Facebook

It's the best way to stay in touch!



Facebook Like popup by Inffuse

In 2014, town officials joined the original developer at a ribbon cutting ceremony following permit approvals in 2013 to give Double Diamond a green light to build.

According to a report in the Times Herald-Record at the time, Double Diamond started to install water and sewer lines and building roads.

But Double Diamond abandoned the project after selling just 150 housing lots.

Enter Mordechai Halberstam, a developer from Rockland County (lead principal for Lost Lake Holdings LLC), who in 2020 [paid \\$13.3 million for the land and related assets](#). The purchase reportedly included mortgages Double Diamond held on 60 undeveloped housing lots that had been sold.

The lawsuit alleges that, in November 2020, the town building inspector issued a building permit to plaintiffs' contractor to allow Lost Lake LLC to construct one single-family home within Phase 1 of the seven-phase Project.

[But, thereafter, "all additional building permit applications filed on behalf of Plaintiffs for construction of single-family homes in the Project were denied by the Town Building Inspector and the denials were affirmed by the Town of Forestburgh Zoning Board of Appeals \(the "ZBA"\)."](#)

Below is a screenshot from one of the pending lawsuits in State Supreme Court.

[Viewed upon the Order by the Court.](#)

123. The Code Enforcement cannot delegate decision making to anyone else. While the Code Enforcement Officer can seek the views of others, the Code Enforcement Officer cannot as a matter of law abdicate and allow others to determine the outcome on a building permit application. *See Winkler v. State Liquor Auth.*, 3 A.D.2d 1011, 1012 (1st Dep't 1957), *aff'd*, 4 N.Y.2d 856 (1958); *Elite Dairy Prod. v. Ten Eyck*, 271 N.Y. 488, 495 (1936).

124. Here, the Code Enforcement Officer's decision making on the Second and Third Applications was usurped by other governmental officials, including the Planning Board Chair and the Town's outside counsel. As detailed in the Statement of Facts and the Miller and Stein Affirmations, these officials were involved in phone, email, and letter communications throughout the review process. Their meddling extended and broadened what should have been a few weeks ministerial review by the Code Enforcement Officer (as was the case with the First Application), to a five month expansive review that resulted in arbitrary and capricious decisions. Their involvement is contrary to law and warrants a reversal of the Building Permit Application Denial.

Like us on Facebook

It's the best way to stay in touch!

 Like

Facebook Like popup by Inffuse



Application Denial.



663 views



Recent Posts

[See All](#)

It's Been A Great Journey

Nearly four and a half years ago, I decided to launch The SullivanTimes to offer an alternative media outlet focused...

439

2

[View Post](#)

EDITORIAL: Looking Ahead to 2023

201

[View Post](#)



Conditions For Residents at Care...

583

[View Post](#)



Enter your email here*

Sub

Like us on Facebook

It's the best way to stay in touch!



Facebook Like popup by Inffuse